

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Norman Sharf

22 CV 02603
22 CV 02603

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been assigned)

-against-

City of New York Eric Adams Mayor
New York Police Dept
DCAS
Office of Labor Relation

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

COMPLAINT

Do you want a jury trial?

☐ Yes ☐ No

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NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Violation of 1st Amendment Freedom of Religion
Violation of the Right to Know

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of _____
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Norman Shapiro, is a citizen of the State of
(Defendant's name)

New York

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

| | | |
|------------------------|------------------------------|----------------|
| <u>Norman</u> | | <u>Shapiro</u> |
| First Name | Middle Initial | Last Name |
| <u>1422 E. 13th St</u> | | |
| Street Address | | |
| <u>Brooklyn</u> | <u>NY</u> | <u>11230</u> |
| County, City | State | Zip Code |
| <u>718-614 2634</u> | <u>ynshapiro@yahoo.com</u> | |
| Telephone Number | Email Address (if available) | |

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

Eric Adam
 First Name Last Name
Mayor
 Current Job Title (or other identifying information)
City Hall
 Current Work Address (or other address where defendant may be served)
New York NY
 County, City State Zip Code

Defendant 2:

New York City Police Dept
 First Name Last Name
NA (Agency)
 Current Job Title (or other identifying information)
1 Police Plaza
 Current Work Address (or other address where defendant may be served)
New York NY
 County, City State Zip Code

Defendant 3:

DCAS
 First Name Last Name
Agency City of New York
 Current Job Title (or other identifying information)
 Current Work Address (or other address where defendant may be served)
 County, City State Zip Code

Defendant 4:

Office of Labor Relations

First Name

Last Name

City of New York

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence:

Various

Date(s) of occurrence:

Various

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

The City has a vaccine mandate I put in for a religious exemption and was denied even though I had a note from my clergy

On 8/10/21 I put in an OSHA Right to Know Request about the Covid vaccines & the Covid test and have never received a response.

On 3/30/22 the City denied my religious exemption reasonable accommodation request and said I had 7 days to vaccinate or would be put on LWOP

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

If A Stay of the termination plus legal
Billing expense. Over time pay for cost test taken
on my time. At \$50,000 - for mental expense
& suffering

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

3-30-2022
Dated

[Signature]
Plaintiff's Signature

Norman Shapiro
First Name Middle Initial Last Name

1422 East 13th St
Street Address

Brooklyn NY 11230
County, City State Zip Code

718-614 2634 YvShapiro@yahoo.com
Telephone Number Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Southern District of New York Complaint

Norman Shapiro an employee of the New York City Police Department residing at 1422 East 13th Street Brooklyn, NY 11230 VS The City of New York, The New York Police Department. It is assumed that since Police Headquarters and City Hall are within a block of the courthouse there is jurisdiction.

Claim: Wrongful Termination Due to The Vaccine Mandate

- 1) The Plaintiff put in a Reasonable Accommodation for Religious Purpose which was denied by the Police Department. The first amendment of the constitution prevents the government from restricting an individual's ability to practice his religion as he sees fit. The plaintiff submitted a letter from his clergy and the city is challenging it. The question is, is that violating the first amendment? Even if it isn't a first amendment violation, the question still arises as the city can't challenge sick notes by having their doctors say the worker is fit for duty, nor can they question the doctor due to HIPPA, does the same apply to a clergy letter?
- 2) Under OSHA Right to Know Regulations Employers must reveal hazards of any chemical that an employee deals with. If the employer requires a vaccine than it should provide ALL FACTS REGARDING VACCINE. On 8/10/2021 I put in an OSHA request regarding the status of the vaccine, listing of all components and safety studies for each component in order to make an informed decision. Yet to date management has not submitted any documentation all they want is the vaccine to be taken.
- 3) The City requires unvaccinated employees to be tested weekly on their own time. The Plaintiff is claiming since the City is mandating it should be on the city's time.
- 4) Is the city allowed to put an employee on permanent leave without pay and claim that they resigned when they really fired them?
- 5) The City by terminating me will deny the ability to use accrued time in both sick, annual and comp time or pay me for this time.

Relief:

- 1 Granting reasonable accommodation for religious purposes from the vaccine mandate or at least a stay until the city complies with the OSHA Right to Know Request and Provide similar amount of time. So far it's been 7 months since the request was submitted, the plaintiff should also be given 7 months to comply with vaccine mandate before termination
- 2 Granting paid overtime for covid test done on employee's time plus carfare and all future test should be on the City's time.

Norman Shapiro 1422 East 13th St. Brooklyn NY 11230
ynshapiro@yahoo.com Phone # 718-614-2634



Fw: Mandatory Covid Testing

SHAPIRO, NORMAN <NORMAN.SHAPIRO@nypd.org>

Mon 3/28/2022 11:41 AM

To: PEREZ, JUSTIN <JUSTIN.PEREZ@nypd.org>

Management Auditor Perez,

Below is an email I sent to Labor Relations regarding OSHA Right to Know for the Vaccine Mandate which I have never gotten a response. I think an employee can't be disciplined if the employer failed to provide OSHA Right to Know Information.

This puts us in an awkward position as the department is failing to provide me information which is required by law, on which I can make an informed decision., while at the same time threatening me with termination if I don't take it.

It is requested that you submit a request through proper channels as to what happened to my OSHA Right to Know Request.

Sincerely,

Norman Shapiro
Accountant II
Property Clerk Accounting Unit
375 Pearl Street 16th Floor Room 3
New York NY 10038
Phone (718) 610-8427

CONFIDENTIALITY NOTICE: This email and any attachments may contain confidential and privileged information for the use of the designated recipient(s) named above. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, use or disclosure of it or its contents is prohibited and may violate laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of this communication.

Please treat this and all other communications from the New York City Police Department as **LAW ENFORCEMENT SENSITIVE/FOR OFFICIAL USE ONLY**.

From: SHAPIRO, NORMAN

Sent: Tuesday, August 10, 2021 11:26 AM

To: Labor.Relations <Labor.Relations@nypd.org>

Subject: Mandatory Covid Testing

Dear Sir,

My name is Norman Shapiro, I am an Accountant II, at Property Clerk Division. I am not sure you are the correct party to address this to, but if not I am hopeful you can point me to who can address these questions.

The NYC Mayor is mandating all city employees be vaccinated by mid-September 2021, and anyone not vaccinated by then must take weekly Covid tests. Under Federal Law, OSHA Regulations " Right to Know" an employer must provide their employees with fact sheets for any material they may come in contact with..

I have the following questions: